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Ciba Specialty Chemical Corporation
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

In re Application of : DECISION
FLISHER et al.
Application no.: 10/791,012 :
Filing Date: 02 March 2004 :
Attorney Docket No.: GT/3-21923/A/AC/533/CONT :
For: DRIVE UNIT :

This decision is in response to applicants' "Petition for Suspension of Rules Under 37 CFR 1.183" filed in the United States Patent and Trademark Office (USPTO) on 06 October 2004, which is being treated as a Petition under 37 CFR 1.181. Applicants are requesting a corrected filing receipt. No petition fee is required.

The above-identified application received an Official Filing Receipt which indicated, "[t]his application is CON of 09/890,129 (filed) 08/02/2001* which is a (35 U.S.C.) 371 of PCT/EP01/00391 (filed) 01/15/2001. (*) Data provided by applicant is not consistent with PTO records."

Applicants state in the present petition that the parent application, 09/890,129, lists the 35 U.S.C. 371 date as August 2, 2001 but the application should have been accorded the filing date of July 27, 2001. According to PALM records, the parent application, has a 35 U.S.C. 371 date of 02 August 2001. Upon review of the Image File Wrapper, the parent application (09/890,129) was filed in the USPTO via United States Express Mail. In accordance with 37 CFR 1.10, parent application, 09/890,129, should have been accorded a 35 U.S.C. 371 date of 27 July 2001. Therefore, the filing receipt for the above-identified application will be corrected to read "This application is DIV of 09/890,129 filed 07/27/2001 which is a 371 of PCT/EP01/00391 filed 01/15/2001." Applicants' petition under 37 CFR 1.181 is GRANTED.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for: (1) issuing a corrected filing receipt; (2) issuing a corrected Notification of Acceptance (Form/DO/EO/903); (3) correcting PALM database for application no. 09/890,129 and 10/791,012; and (4) forwarding a copy of this decision to 09/890,129.

Anthony Smith *Anthony Smith*
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459